

Appl. No. : 0 8,377  
Filed : May 8, 1998

*Comments*  
17. (Amended) The antibody of claim 24 which is a monoclonal antibody.  
18. (Amended) A hybridoma cell line which produces the antibody of claim 24.

#### REMARKS

New claim 24 recites an antibody that binds the PSTPIP polypeptide of SEQ ID NO: 1 at a site not including a phosphorylated tyrosine, within said SEQ ID NO: 1. The specification discloses that PSTPIP is tyrosine phosphorylated (see, e.g. figure 6 and page 41, lines 13-16). In addition, the specification identifies five tyrosine residues that are conserved among the mammalian and yeast sequences and thus are likely to be phosphorylated residues (page 39, lines 22-25). Further the specification identifies a particular kinase that phosphorylates PSTPIP (Figures 6B-F and page 42, lines 1-2) and provides methods for both analyzing phosphorylation and carrying out site directed mutagenesis. Applicants submit that based on the disclosure, one of skill in the art would be able to determine with minimal experimentation if a particular tyrosine residue is phosphorylated. Thus, Applicants submit that claim 24 is fully supported by the specification as filed.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE.**"

Applicants believe that the majority of the Examiners objections have been addressed or made moot by the present amendments. The issues that remain pertinent are addressed below.

#### Entry of Previous Amendments

The Examiner indicated that Applicants did not explicitly request entry of the Amendment filed on July 6, 2001. Applicants respectfully submit that in the first paragraph following the heading "Remarks" on page 3 of the Amendment filed July 6, as well as in the first paragraph on page 1, Applicants explicitly requested entry of the amendments. Applicants hereby affirm the request that the amendment filed on July 6, 2001 be entered.

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**Claim Rejections Under 35 U.S.C. §102((b))**

Claim 15 was rejected under 35 U.S.C. §102(b) as being anticipated by Sodhi et al. and Frackleton et al., both of which teach anti-phosphotyrosine monoclonal antibodies. New claim 23 is directed to an antibody that binds to the PST phosphatase interacting protein (PSTPIP) polypeptide of SEQ ID NO: 1 at a site not including a phosphorylated tyrosine, within said SEQ ID NO: 1. As the antibodies of Sodhi et al. and Frackleton et al. would not bind to the PST phosphatase interacting protein (PSTPIP) polypeptide sequence of SEQ ID NO: 1 other than at a phosphorylated tyrosine, Applicants submit that this rejection should not be applied to new claim 24.

**Claim Rejections Under 35 U.S.C. §103**

Claims 15-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over GenBank Accession No. MMU87814 (Lasky, submitted January 29, 1997). As the Examiner is aware, Lasky is an inventor on the present application. The Lasky reference cited by the Examiner describes the inventors' own work and is not a publication by "others" as required by 35 U.S.C. §102(a). Further, the present application claims priority to U.S. Provisional application no. 60/104, 589, filed February 7, 1997, which is less than one year after the date of the Lasky reference cited by the Examiner. Thus, Applicants submit that the Lasky reference is not available as prior art and should not serve as the basis of a rejection of new claim 24.

**Conclusion**

For the reasons presented above, Applicants respectfully submit that all pending claims are in condition for allowance, and an early action to that effect is respectfully solicited. If any

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issues remain or require further clarification, the Examiner is respectfully requested to call Applicants' counsel at the number listed below in order to resolve such issues promptly.

Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

Claims 15 and 23 have been cancelled.

Claims 16-18 have been amended as follows:

16. (Amended) The antibody of claim 1524 which is detectably labeled.

17. (Amended) The antibody of claim 1524 which is a monoclonal antibody.

18. (Amended) A hybridoma cell line which produces the antibody of claim 1524.

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